

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

THOMAS RAYMOND MENEI,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-cv-00967

JIM RUBENSTEIN, et al.,

Defendants.

**ORDER**

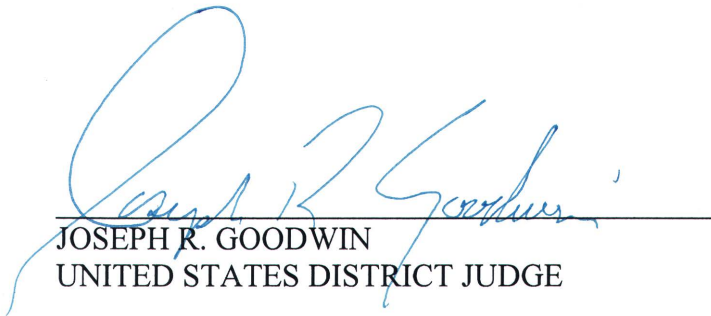
Pending before the court is defendant Humayan Rashid's Motion to Dismiss [Docket 43]. This Motion was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). When a Magistrate Judge issues a recommendation on a dispositive matter, the court reviews *de novo* those portions of the Magistrate Judge's report to which specific objections are filed. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

The court has reviewed *de novo* those portions of the Proposed Findings and Recommendations [Docket 54] to which the plaintiff has filed specific Objections [Docket 63], and **FINDS** that the plaintiff's objections lack merit. Because the plaintiff has failed to add any facts that establish that "Dr. Rashid denied him any medically necessary treatment," he has not met the standard for an Eighth Amendment violation of deliberate indifference to a serious medical need.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge [Docket 54]. The defendant's Motion to Dismiss [Docket 43] is **GRANTED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 9, 2013



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE